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10 Attorneys for Defendants  
11 JOHNSON & JOHNSON; JANSSEN RESEARCH &  
12 DEVELOPMENT, LLC (sued herein as "Johnson &  
13 Johnson Pharmaceutical Research & Development,  
14 L.L.C."); JANSSEN PHARMACEUTICALS, INC. (sued  
15 herein as "Ortho-McNeil-Janssen Pharmaceuticals, Inc.");  
16 and McKESSON CORPORATION

17 **UNITED STATES DISTRICT COURT**  
18 **EASTERN DISTRICT OF CALIFORNIA**

19 MICHAEL FRANCIS BREENE;

20 Plaintiff,

21 vs.

22 JOHNSON & JOHNSON; JOHNSON &  
23 JOHNSON PHARMACEUTICAL  
24 RESEARCH & DEVELOPMENT, L.L.C.;  
25 ORTHO-MCNEIL-JANSSEN  
26 PHARMACEUTICALS, INC.; and  
27 McKesson CORPORATION;

28 Defendants.

**Case No. 1:15-cv-00361-TLN-JLT**

**STIPULATION AND ORDER TO  
CONTINUE HEARING ON PLAINTIFF'S  
MOTION TO REMAND CASE TO  
CALIFORNIA STATE COURT**

**Current Date:** May 21, 2015

**Proposed New Date:** June 18, 2015

Complaint Filed: January 26, 2015

1:15-cv-00361-TLN-JLT

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STIPULATION AND ORDER TO CONTINUE HEARING ON PLAINTIFF'S MOTION TO REMAND CASE TO  
CALIFORNIA STATE COURT

1                   TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2                   Defendants JOHNSON & JOHNSON, JANSSEN RESEARCH & DEVELOPMENT,

3                   LLC (sued herein as “Johnson & Johnson Pharmaceutical Research & Development, L.L.C.”),

4                   and JANSSEN PHARMACEUTICALS, INC. (sued herein as “Ortho-McNeil-Janssen

5                   Pharmaceuticals, Inc.”) (collectively, “Defendants”), and Plaintiff MICHAEL FRANCIS

6                   BREENE (“Plaintiff”) (Defendants and Plaintiff are referred to as “the Parties”) hereby stipulate

7                   and agree as follows:

- 8                   1. Plaintiff’s Motion to Remand Case to California State Court is currently set for
- 9                   hearing on May 21, 2015;
- 10                  2. The Parties continue to meet and confer regarding information evidencing Plaintiff’s
- 11                  alleged use of Levaquin® and to determine whether certain legal issues related to the
- 12                  Motion to Remand may be narrowed prior to the hearing before this Court;
- 13                  3. Accordingly, the Parties have agreed that there is good cause to continue the Motion to
- 14                  Remand Case to California State Court, in accordance with Judge Nunley’s civil law
- 15                  and motion rules, to permit the Parties to further meet and confer;
- 16                  4. No other scheduling modifications have been issued on this Motion, either by
- 17                  stipulation or by Court order;
- 18                  5. Therefore, the Parties stipulate and agree that hearing date on Plaintiff’s Motion to
- 19                  Remand to California State Court will be continued from May 21, 2015 to June 18,
- 20                  2015. Defendants’ Opposition to Plaintiff’s Motion to Remand Case to California
- 21                  State Court will be due on or before June 4, 2015 and Plaintiff’s Reply papers will be
- 22                  due on or before June 11, 2015.

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1 IT IS SO STIPULATED.  
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Dated: May 7, 2015

**GOMEZ TRIAL ATTORNEYS**

4 By: /s/ Stephanie S. Poli  
5 John H. Gomez  
6 John P. Fiske  
7 Stephanie S. Poli  
8 Attorneys for Plaintiff MICHAEL  
9 FRANCIS BREENE

Dated: May 7, 2015

**BARNES & THORNBURG LLP**

10  
11 By: /s/ Sarah E. Johnston  
12 Alexander G. Calfo  
13 Sarah E. Johnston  
14 Attorneys for Defendants  
15 JOHNSON & JOHNSON; JANSSEN  
16 RESEARCH & DEVELOPMENT, LLC  
17 (sued herein as "Johnson & Johnson  
18 Pharmaceutical Research & Development,  
19 L.L.C."); JANSSEN  
20 PHARMACEUTICALS, INC. (sued herein  
21 as "Ortho-McNeil-Janssen  
22 Pharmaceuticals, Inc."); and McKESSON  
23 CORPORATION

## **ORDER**

Having read and considered the Parties' Stipulation and [Proposed] Order to Continue the Hearing for Plaintiff's Motion to Remand Case to California State Court and for good cause shown,

PURSUANT TO STIPULATION, the Court hereby continues the Hearing on Plaintiff's Motion to Remand Case to California State Court from May 21, 2015 to June 18, 2015 at 2:00 p.m. in Courtroom 2, 15<sup>th</sup> Floor, 501 I Street Sacramento, California 95814. Defendants' Opposition to Plaintiff's Motion to Remand Case to California State Court shall be due on or before June 4, 2015 and Plaintiff's Reply papers shall be due on or before June 11, 2015.

**IT IS SO ORDERED.**

Dated: May 11, 2015

*Yuri - Shanta*

The Honorable Troy L. Nunley  
United States District Court Judge